

To: Erin Foresman/R9/USEPA/US@EPA[]
From: Kathryn M Kuivila
Sent: Mon 10/31/2011 6:18:36 AM
Subject: More comments on Toxins Appendix D
http://archive.deltacouncil.ca.gov/delta_science_program/publications/sci_news_0711_nrc.html
<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

Erin - Thanks for including the "comments to date" in your last email since my comments included a lot of overlap so now I don't need to repeat them.

I would emphasize the comments about not adequately consider impact from upstream urban and agricultural areas since this was very confusing as I was reading the document.

My primary comment is on the pesticides section. The discussion is focused only on insecticides -- pyrethroids (an ongoing concern), OPs (decreasing use and decreasing concern), and OCs (a continuing concern). But it totally ignores all the other pesticides used within the Delta and entering from upstream inputs (detailed information on use is available from California Dept of Pesticide Regulation). A wide variety of pesticides, including herbicides, fungicides, and insecticides, are applied and water samples in the Delta frequently contain complex mixtures of these pesticides.

Section D.5.5 Pyrethroid Pesticides

Important as others noted to include inputs from upstream of the Delta, especially urban inputs.
Important to discuss mosquito abatement programs as others noted
For organochlorines, one of the comments was that "It is also important to evaluate specific Delta Conveyance actions, such as dredging, on the exposure of T & E species to organochlorines." but this is also true for potential resuspension of sediments with pyrethroids.

Section D.5.7 Organophosphate Pesticides

I agree with the review comment - The statement, "Because the organophosphates are distributed throughout the Delta, changes in hydrology and mixing in the Delta due to preliminary proposal water operations should not affect the distribution or mobilization of these chemicals," is not supported by any information provided in the document. - In addition, I suggest that previous studies (e.g. Orlando, J.L. and Kuivila, K.M., 2006, Seasonal Changes in Concentrations of Dissolved Pesticides and Organic Carbon in the Sacramento-San Joaquin Delta, California, 1994-1996: U.S. Geological Survey Data Series 197, 32 p.) actually show that many current-use pesticides in the water column of the Delta are NOT distributed throughout the Delta.

D.5.8.3 Other Stressor Conservation Measure 13, Nonnative Aquatic Vegetation Control

Dept of Boating and Waterways is actually DBW, not DBR

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Date: 10/28/2011 12:49 PM
Subject: Some context around Toxins Appendix D

Hi Everyone,

I briefly spoke with Roger Fujii a few days ago and promised to send some context information on the piece you are reviewing for us, the Toxins Appendix D. I apologize it is coming so late in your review!! (and for the double posting to you Michelle). I hope the info below is helpful :).

The Toxins Appendix D is part of the "Effects Analysis" in the BDCP. The BDCP is a group of projects (including the "Delta Conveyance" previously known as peripheral canal) that are collectively seeking take of threatened and endangered species under Section 10 of ESA and the state's Natural Communities Conservation Planning Act. ESA Section 10 requires the production of a habitat conservation plan (HCP) and DWR is seeking 50 year permits. USFWS and NMFS will be asked to adopt the HCP and write these take permits so they have to comply with NEPA by estimating and disclosing impacts of their permit in an Environmental Impact Statement (EIS). USFWS, NMFS, and BOR (federal lead agencies) are preparing a joint EIS/EIR document with DWR (compliance with CEQA) and it will be used as the information base for ESA and NCCPA permit decisions. The EIS/EIR is considering restoration actions at a programmatic level of information and attempting to evaluate the Delta Conveyance and some other projects at the project level, preparing to build them.

The "toxins appendix" is an appendix to Chapter 5, "The Effects Analysis," in the EIS/EIR which is focused on evaluating the impact of BDCP (new conveyance, pumps, operations, restoration, and other projects) on T & E species. The Toxins Appendix along with other 'technical' appendices is being provided to federal lead (USFWS, BOR, NMFS) and cooperating agencies (EPA & Corps) for early review so that we can provide feedback to DWR and their consultant ICF International. The idea is that this will give DWR and ICF time to improve it prior to the planned release of the Draft EIS in May 2012.

A draft of the "Effects Analysis" prepared by SAIC received a very poor and public review by the National Research Council a few months ago(http://archive.deltacouncil.ca.gov/delta_science_program/publications/sci_news_0711_nrc.html). ICF International was hired by DWR to re-do and improve Chapter 5 The Effects Analysis of the EIS/EIR. Presumably the toxins appendix is part of that effort, however if you've read it you'll know it retains an amazing potential for improvement.

The turn around time on these administrative drafts is v. short and the review schedule is piecemeal. EPA has to provide our comments to DOI next Tuesday and we have not seen Chapter 5 Effects Analysis, just the appendices.

If folks are still reviewing it and want to give me more comments, I can include them through Tuesday around noon. I'll be submitting them at 2:00 PM.

Thanks again!

Erin

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